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## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman  
GARY PIERCE  
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CORP COMMISSION  
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Arizona Corporation Commission

DOCKETED

MAR 20 2014

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IN THE MATTER OF THE APPLICATION OF  
FAR WEST WATER & SEWER, INC. FOR  
EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY FOR SEWER  
SERVICE.

DOCKET NO. WS-03478A-10-0523

ORIGINAL

PROCEDURAL ORDER**BY THE COMMISSION:**

On December 30, 2010, Far West Water and Sewer Company, Inc. ("Far West" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N" or "Certificate") to provide sewer service to a commercial development known as Fortuna Commons in Yuma County.

By Procedural Order dated March 4, 2011, a procedural schedule was established and a hearing was set for May 5, 2011.

On April 15, 2011, the Commission's Utilities Division ("Staff") filed its Staff Report, recommending denial of the extension request because the Company's wastewater treatment plants were not in compliance with Arizona Department of Environmental Quality ("ADEQ") regulations or an ADEQ Consent Order, and concerns over the Company's financial and managerial abilities to provide service in its existing service territory.

On April 20, 2011, Far West filed a "Motion to Suspend the Procedural Schedule and To Continue Hearing." The Company requested that the procedural schedule in this matter be suspended and that the hearing be continued indefinitely. The Company proposed to file a status report in this docket when Phase 1 of the construction of a new treatment plant was complete and the plant entered service, at which time Far West would ask for a Procedural Conference be scheduled to set a new procedural schedule.

1 By Procedural Order dated April 20, 2011, the procedural schedule was suspended and Far  
2 West was directed to file a status report when the treatment plant was operational.

3 On February 2, 2011, Far West filed a status report, which indicated that at that time, the  
4 treatment plant was not yet operational. The February 2011 status report was the last filing in the  
5 docket, until by Procedural Order dated January 6, 2014, Staff was directed to update the status of  
6 this matter.

7 On February 7, 2014, Staff filed a Response to the Procedural Order. Staff noted that in its  
8 Staff Report filed on April 15, 2011, Staff had recommended denial of the CC&N, but further  
9 recommended that if the Commission wished to approve the application, that it should issue an Order  
10 Preliminary pending Far West filing a notice from ADEQ that the Company is in total compliance  
11 with ADEQ regulations. Staff further notes that on October 22, 2013, ADEQ sent a letter to Staff  
12 indicating the Court had signed the *First Amended Consent Judgment Civil Action No. CV 2008-*  
13 *021676* entered into by ADEQ and the Company, which establishes a scope and compliance schedule  
14 for actions to be performed by the Company for its Palm Shadows facilities. On October 25, 2013,  
15 Staff filed a letter in Docket No. WS-03478A-12-0307, indicating that the Company had "satisfied all  
16 of the conditions - except for customer notice - required to implement Phase 1 of the rate increase"  
17 approved in Decision No. 74097.<sup>1</sup>

18 Staff believes that the Company still desires to provide sewer service in Fortuna Commons  
19 and that there are still customers in Fortuna Commons who want that service. Staff recommends that  
20 the Commission approve Far West's application for extension of its CC&N to provide sewer service  
21 in Fortuna Commons, subject to it charging its authorized rates and charges in the extension area.

22 The schedule in this matter was suspended at the Company's request before a hearing  
23 convened. Except for the recent status filing by Staff, the information in the docket is stale, and the  
24 Company has not expressed its intent with respect to re-activating the schedule in this docket.

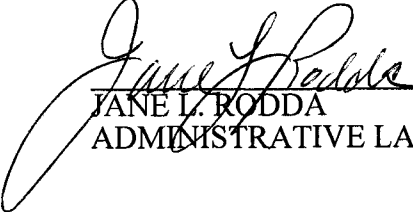
25 IT IS THEREFORE ORDERED that a **telephonic Procedural Conference** for the purpose of  
26 discussing re-establishing the procedural schedule and setting a hearing in this matter shall convene  
27

28 <sup>1</sup> Staff further states that notice in that case was subsequently completed.

1 on **April 2, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices in  
2 Tucson, **Room 222, 400 West Congress, Tucson, Arizona 85701.** The call-in number to  
3 participate telephonically is 1 (888) 450-5996, Code 457395#.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 DATED this 18<sup>th</sup> day of March, 2014.

7  
8   
9 JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed  
11 this 18<sup>th</sup> day of March, 2014 to:

12 Mr. Craig Marks  
13 Craig A. Marks, PLC  
14 10645 N. Tatum Blvd.  
Suite 200-767  
Phoenix, AZ 85028  
Attorney for Far West

15 Ms. Janice Alward, Chief Counsel  
16 Legal Division  
ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
Phoenix, Arizona 85007

18 Mr. Steve Olea, Director  
19 Utilities Division  
ARIZONA CORPORATION COMMISSION  
20 1200 West Washington Street  
Phoenix, Arizona 85007

21 COASH & COASH, INC.  
22 COURT REPORTING  
23 1802 N. 7<sup>th</sup> Street,  
Phoenix, AZ 85006

24  
25 By:

26   
27 Jane L. Rodda  
28